SUPREME COURT, U. S.

FILED

MAY [illegible] 1959

[illegible], CLERK

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1958.

No. [illegible]

HILAND DAIRY, INC., REES DAIRY, INC., and SUNNY HILL FARMS DAIRY COMPANY, INC., et al.,

Petitioners,

v.

THE KROGER COMPANY,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

MEMORANDUM FOR PETITIONERS.

GUY L. [illegible]

[illegible]

[illegible]

[illegible]

Of Counsel:

[illegible]

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1968.

No. 986.

HILAND DAIRY, INC., REISS DAIRY, INC., and SUNNY HILL FARMS DAIRY COMPANY, INC., et als.,
Petitioners,

v.

THE KROGER COMPANY,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

MEMORANDUM FOR PETITIONERS.

This memorandum is filed in response to the Memorandum for the United States as Amicus Curiae, filed by invitation of the Court. In that Memorandum the Solicitor General concludes that certiorari should be granted if petitioners indicate to the Court that they are willing to undertake to prove an "attempt to monopolize" as defined therein.

Petitioners are willing to undertake the burden of proving the elements of a violation of Section 2 of the Sherman Act as set forth in the Solicitor General's Memorandum, specifically in Point 5.

Respectfully submitted,

GRAY L. DORSEY,
Attorney for Petitioners.